

**REGULAR MEETING OF THE CITY COUNCIL
CITY OF COSTA MESA**

July 03, 2007

The City Council meeting of the City of Costa Mesa, California met in regular session July 03, 2007, 5:04 p.m, in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

I. ROLL CALL

Council Members Present: Mayor Allan Mansoor
Mayor Pro Tem Eric Bever
Council Member Wendy Leece

Council Members Absent: Council Member Linda Dixon
Council Member Katrina Foley

Officials Present: City Manager Allan Roeder
City Attorney Kimberly Hall Barlow
City Clerk Julie Folcik

II. PUBLIC COMMENTS

There were no public comments.

III. CLOSED SESSION

1. Conference with Legal Counsel - Anticipated Litigation: Significant exposure to litigation, one case, pursuant to Government Code Section 54956.9(b).
2. Conference with Allan Roeder, City Manager, and Labor Negotiator, Agency Negotiator: Steve Mandoki, Administrative Services Director, and Terri Cassidy, Human Resources Manager regarding Employee Organizations: Costa Mesa City Employee Association (CMCEA) and Costa Mesa Firefighters Association (CMFA) pursuant to Government Code Section 54957.6.

Mayor Mansoor recessed the meeting to closed session in Conference Room 1B at 5:07 p.m.

The Mayor reconvened the regular meeting at 6:26 p.m.

PLEDGE OF ALLEGIANCE - Costa Mesa High School Cheerleaders

MOMENT OF SOLEMN EXPRESSION - Pastor Bill Gartner, Harbor Christian

Fellowship

ROLL CALL

Council Members
Present:

Mayor Allan Mansoor
Mayor Pro Tem Eric Bever
Council Member Katrina Foley
Council Member Wendy Leece

Council Members
Absent:
Officials Present:

Council Member Linda Dixon

City Manager Allan Roeder
Assistant City Manager Thomas Hatch
City Attorney Kimberly Hall Barlow
Assistant Development Services Director Mike
Robinson
Public Services Director William Morris
Police Sergeant Philip Myers
Senior Planner Mel Lee
Senior Planner Claire Flynn
Associate Engineer Raja Sethuraman
City Clerk Julie Folcik

It was unanimously agreed to address New Business Item No. 4, out of order.

IX. NEW BUSINESS

4. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING TITLE 3 OF THE COSTA MESA MUNICIPAL CODE RELATING TO ANIMAL REGULATIONS AND SECTION 12-42 RELATING TO DOGS.**

Mayor Mansoor announced that a request to continue the item was received.

MOTION: Continue to the meeting of July 17, 2007.

Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member
Linda Dixon, Council Member Katrina Foley, Council Member Wendy
Leece

Noes: None.

Absent: None.

CLOSED SESSION REPORT

City Attorney Kimberly Barlow reported that no action was taken on any closed

session items.

PRESENTATIONS

Mayor Mansoor congratulated Ron Johnson, Code Enforcement Officer, on being named Employee of the Month of July. He was recognized for going beyond his professional responsibilities in negotiating a resolution, repairing a wall, and restoring the appearance of the City relative to a vehicle accident.

The Mayor recognized the Eighth Annual Sister City Education Exchange Program; presented certificates to Estancia High School Sister City Ambassadors; and presented proclamations to our Sister City, Wyndham, Victoria, Australia, and Hoppers Crossing Secondary College of Wyndham.

An Update on Measure C, the Coast Community College District's Bond, was presented by Public Affairs Director Martha Parham and Director of Internal Audit Services Richard Kudlik.

IV. PUBLIC COMMENTS

1. Anne Hogan Shereshevsky, Costa Mesa, spoke in opposition to the fireworks and commented on alternative ways for school fundraising; referred to a Daily Pilot article, questioning the leadership of the City and residential housing; and reported that the restrooms at Lion's Park do not have doors on the stalls.
2. Deborah Koken, Costa Mesa, commented on Lion's Park and the need of open space, more grass and plants.
3. Terrell Koken, Costa Mesa, spoke about the proposed skate park at Lion's Park location pointing out costs, environmental factors, and liability.
4. Jay Humphrey, Costa Mesa, stated he is looking forward to the Orange County Fair, reminded the audience of coyote season and to keep pets safe, and asked Council to place a ballot measure on banning fireworks in the City.
5. Sandra Genis, Costa Mesa, commented on Council's actions relating to ordinances on fireworks, noise from auto dealers, storage of commercial vehicles, banners, and street solicitation.
6. Judi Berry, Costa Mesa, asked Council to limit residential condominium conversions and to restrict occupancy to single family residences only.
7. Genevieve West, Costa Mesa, spoke about the negative experiences of fireworks on her pets and advised she was willing to help find alternatives to raise money for youth sports.
8. Mike Berry, Costa Mesa, commented on the problems with the Joann Bike Trail and suggested adding a small Jessica Park at the end of the

trail; questioned public safety and an operation traffic stop that was implemented during the weekend; and suggested we follow the city of Garden Grove's purchase of delapidated motels with redevelopment funds to deter unsavory guests.

9. Martin Millard, Costa Mesa, commented on the need for routine police traffic stops on Fairview and problems in the Rea School area.
10. Terry Shaw, Costa Mesa, spoke in support of banning fireworks, and offered to give \$1,000 to the first group that discontinues the sale of fireworks and \$500 thereafter, for the next four years.

V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS

Mayor Pro Tem Eric Bever addressed public speakers' comments relating to an article on the actions of three Council Members, flooding concerns at the proposed skate park location, and issues with auto dealerships; recommended individuals work with groups on alternatives for raising youth sports funds; announced that there would be a Study Session on the Joann Bike Trails; and commented on routine traffic check points throughout the whole City.

Council Member Wendy Leece shared "The Story of Costa Mesa" has been updated, and would be published by the City's printing department and be available by September 2007.

Mayor Allan Mansoor reminded the audience of a leaf blower exchange program offered by the Air Quality Management District and advised to call 888-425-6247 for more information.

Council Member Katrina Foley wished everyone a Happy Fourth of July; thanked all public safety officers for keeping everyone safe during the holiday; advised the Costa Mesa High School Cheerleaders are available for participation in community events; announced the Mesa Del Mar Neighborhood Patriotic Parade to be held on July 4, 2007; and gave an update on the restrooms at Lion's Park.

VI. CONSENT CALENDAR

CONSENT CALENDAR ITEM NOS. 1 THROUGH 11

**MOTION: Approve the recommended actions for Consent Calendar Item Nos. 1 through 10, except for Consent Calendar Item No. 11.
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

1. Reading Folder.

The following claims were received and processed by the City Clerk: Chris Jones; and Martin Mulvihill on behalf of Villageway Management, Inc.

The following request for Alcoholic Beverage Control Licenses were received and processed:

Briad Restaurant Group LLC, 601 Anton Boulevard, for a person-to-person transfer of existing type 47 (on-sale general for a bona fide eating place).

Anthony Paduano, for the Red Skye, 1700 Placentia Avenue, for a person-to-person transfer of existing type 48 (on-sale general for public premises).

The following notification letters were received and processed: Verizon Wireless – Notification letter of the intent to add and modify a cellular facility – Site Name and Address: Fairview, 1142 Buckingham Drive.

Royal Street Communications, LLC – Notification letter of the intent to construct a cellular facility – PCS Wireless Site No. LA2814B/Stor-It Self Storage, 961 W. 17th Street.

2. Regular Meeting Minutes of June 5, 2007.

ACTION: Approved.

3. Warrant Resolution 2167, funding City operating expenses for \$2,565,417.87.

ACTION: Resolution adopted.

4. Warrant Resolution 2168, funding Payroll No. 712 for \$2,407,536.04 and Payroll No. 711A for \$639.75, and City operating expenses for \$2,077,854.16 including payroll deductions.

ACTION: Resolution adopted.

5. Award RFP No. 1106, for the purchase of document imaging software, licensing, and document imaging services, to Matrix Imaging, 3151 Airway Avenue, Suite H-1, Costa Mesa, for a three-year contract ending May 31, 2010, in the amount not to exceed \$200,000 (for the first year ending June 30, 2008).

ACTION: Approved; authorized the Mayor and City Clerk to sign.

6. Professional Services Agreement for Third Party Liability Claims

Administration Services, for a three-year term beginning July 1, 2007 through June 30, 2010, to Carl Warren & Company, in an amount not to exceed \$75,000.

ACTION: Approved; authorized the Mayor and City Clerk to sign.

7. Construction on State Highway Route 405 at Fairview Road Overcrossing (Project "A") and at Harbor Boulevard (Project "B"), City Project No. 07-15.

(a). Reject all bids.

(b). Authorize the re-advertisement of the project.

ACTION: Approved.

8. Adopt plans, specifications, and working details for the Construction on the State Highway in Orange County in Costa Mesa on the Route 405 offramp between Fairview Road and Harbor Boulevard (Susan Street offramp), City Project No. 07-16, and award construction contract to Powell Constructors, 8555 Banana Avenue, Fontana, in the amount of \$1,519,683.

(a). Budget Adjustment No. 08-002 in the amount of \$234,226.

ACTION: Approved and authorized the Mayor and City Clerk to sign; Approved Budget Adjustment.

9. Release of cash deposit for bid bond, in the amount of \$9,991.70, to T.W. Contracting, Inc., 1111 E. Commonwealth Avenue, No. E, Fullerton, in connection with Picnic Shelter Demolition and Replacement at Wakeham Park, 3400 Smalley Road, City Project No. 06-24.

ACTION: Approved.

10. Refund of cash deposit in the amount of \$144,788.25, to South Coast Home Furnishing Center, LLC (Developer), 18201 Von Karman Avenue, Suite 1170, Irvine, in connection with Encroachment Permit No. PS06-00166 for street improvements located at 3333 Hyland Avenue, Costa Mesa.

ACTION: Approved.

ITEM REMOVED FROM THE CONSENT CALENDAR

11. Continued from the meeting June 19, 2007, of Award RFP No. 1110, for animal shelter services, to the City of Irvine, P.O. Box 19575, Irvine, for one year with an additional four (4) one-year extensions, in the amount not to exceed \$150,000 per year.

At the request of Council Member Leece, City Manager Allan Roeder reported on the status and necessity to contract with Irvine for animal shelter services and discontinue services with Huntington Beach. He noted the costs, pointing out that the quality of care and of the shelter were important factors.

Sandra Genis, Costa Mesa, requested that the location address of the Irvine Animal Care Center be announced and posted on the City's website.

Beth Refakes, Costa Mesa, supported the animal shelter services with Irvine and inquired on the building of kennels for short-term care of larger dogs.

Police Sergeant Philip Myers addressed public speaker's comments and announced that the Irvine Animal Care Center is located at 6443 Oak Canyon Road, Irvine, CA 92618.

**MOTION: Approve; authorize the Mayor and City Clerk to sign.
Moved by Mayor Allan Mansoor, seconded by Mayor Pro Tem Eric Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

VII. PUBLIC HEARINGS

The City Clerk announced that this was the time and place set for a public hearing to consider:

1. PUBLIC HEARING: Appeal of the Planning Commission's approval of Planning Application PA-07-01 and Zoning Application ZA-07-23 for Total Real Estate Development, authorized agent for C.J. Segerstrom and Sons, for a conditional use permit to demolish approximately 158,000 square feet of building (former Wickes Furniture) and construct an approximately 20,470 square foot automotive dealership (Carmax Auto Superstore) in conjunction with a variance from maximum building height (30 feet allowed; 41 feet proposed), an administrative adjustment for landscape setback (15 feet required; 10 feet proposed) and a Planned Signing Program, located at 3200 Harbor Boulevard in a C1 zone. Environmental determination: Mitigated Negative Declaration.

Senior Planner Mel Lee gave a general overview of the project and the Planning Commission's action on the project. He, along with Associate Engineer Raja Sethuraman, responded to questions from the City

Council.

Derrick Lake, appellant, President of the French Quarter Homeowner's Association, expressed opposition to the project; presented a petition of 200 signatures; felt that there was a the lack of communication with the HOA due to their opposition to to the project; expressed concerns and proposed mitigation measures relating to sound walls and signage and requested the Council to postpone the project so that discussions with the applicant regarding further concerns and acceptable solutions could take place.

Paul Freeman, Representative of C.J. Segerstrom & Sons, responded to the appellant's comments including that of the communication efforts that took place on the part of the applicant with all homeowners, and HOA's. He further commented that he felt that there was no reason to continue the item, that the project and business were oriented to minimize impact to the neighborhood.

Mark Bell, Director of Real Estate for Car Max, spoke about the history of Carmax, its culture and operation practices; and answered questions from the City Council. He pointed out that many of the conditions of approval came out of the discussions with the home owner associations and felt that they understood the spectrum of concerns and have addressed them adequately.

David Kinkade, Costa Mesa, expressed support of the project and commented that he was impressed with the Segerstrom & Sons and Carmax's attempts to reachout and address neighborhood concerns.

Stephanie Collen, Costa Mesa, opposed the project expressing concern of the signage that would face the neighborhood, proposed soundwall and the business activities and its impact on the safety and quiet enjoyment of neighborhood and its park.

Matt West, Costa Mesa, expressed concern regarding the light and noise from the Carmax dealership and the details of the sound wall that is to be built facing the neighborhood.

Ellen Globerman, Costa Mesa, member of the French Quarter Homeowners Associations, stated that she found out about CarMax in May and attended HOA meetings relative to the project and felt that the suggestions made at the meeting were not incorporated into the plans that went to the Planning Commission. She indicated her primary concern was that of the wall, felt that it needs to be tall enough to shield light, sound and to protect the privacy of the neighborhood.

Julie Crawford, Costa Mesa, resident of the French Quarter, commented she just found out about the project and expressed her oppositions indicating that it would seriously effect the quality of life and her property

value and that the project would contribute to an increase to noise pollution, and propose dual-paned windows and air conditioners for residents.

Lois Valentine, Costa Mesa, resident of the French Quarter, requested that the construction be regulated to the hours of 9:00 a.m. to 6:00 p.m. five days a week, that the wall facing Gisler Avenue be a 17-foot wall to surround the property, a dimming of lights on the lot, and that no test driving be permitted in the neighborhood.

Craig Parks, Costa Mesa, Halecrest Hall of Fame Homeowners Association representative, commented that he felt that the applicants had been forthright and forthcoming to the HOA in their presentation of the project. On behalf of the association he expressed support of the project as long as the conditions of approval relative to traffic and safety are met.

Jay Humphrey, Costa Mesa, expressed concern relative to the enforcement of the conditions with respect to the commercial trucks and the transporting of vehicles down residential streets.

Amy Worth, Costa Mesa, expressed her concern of airquality issues due to the construction and its effect on the children attending Killbrook School.

Robin Leffler, Costa Mesa, expressed support of the concerns voiced by the residents of the French Quarter.

Michael Beringer, Costa Mesa, expressed concern relative to the project's effect on property values in the neighborhood.

Maureen Gass, Costa Mesa, advised that there was not any communication made with the homeowners; commented that the wall is desirable and that through discussion the details could be worked out.

Gail Green, Costa Mesa, stated her initial support of CarMax, but expressed concerned relative to the above ground gasoline tank, and the location of the buildings on the property being so close to the residential street.

Martin Millard, Costa Mesa, suggested that the City buy the property and create a park area.

Sandra Genis, Costa Mesa, expressed concern regarding storage of vehicles on residential streets; felt that eliminating the ability to test drive in surrounding residential street would impact adjoining neighborhoods. She felt that the project could be redesigned to be more sensitive to the adjoining neighborhood and encouraged the Council to require the applicant to continue to meet with the residents to work out concerns.

Arlene Jones, Costa Mesa, commented that she felt the use was more like that of a C2 zoning; referred to the conditions of approval for the Home Depot project, pointing out that the developer was required to provide dual-paned windows for the residents and to build the seven-foot wall (7 foot wall) and asked that the Carmax business face the commercial areas of the property.

The Mayor recessed the meeting at 9:19 p.m.
The Mayor reconvened the meeting at 9:32 p.m.

Derrick Lake, appellant, French Quarter HOA President, reiterated a request for postponement of the determination so that the residence of the French Quarter may further discuss mitigation with the Segerstrom's.

Paul Freeman, applicant, addressed comments and suggestions of the public, pointing out that there was not an interest in the reuse of the Wick's building due to its age and layout; reminded the Council of the strict guidelines of the Air Quality Management District (AQMD), compared the wall construction of various projects within the City and their strategic placement and construction, and discussed the financial responsibility and liability concerns of the wall.

Mark Bell confirmed that the proposed location would be a satellite store. He indicated that the above ground gas storage tank would be surrounded by a block wall; advised that the test drives would be conducted from a secure sales-lot, only accessible by employees, who will exit and return through the Gisler gate. He indicated the concessions that are agreed to are a shielding of the lights, but further agreed to zero-candle lights, and to remove the sign that would face Gisler Avenue.

In response to Mayor Mansoor's concern regarding storage of vehicles, Mark Bell agreed with requiring there would be no storage of excess vehicles on streets. He also indicated that employees will be directed to follow the guidelines for test-driving of vehicles.

To reduce the possibility for the use of College Avenue by commercial traffic, suggestions from Mayor Mansoor and Council Member Foley were made for a landscaped medium or a round-a-about. The applicant indicated there would not be the need for use of the street for the commercial traffic in the delivery of inventory.

Discussion ensued regarding the building, height, easements, and liability of the wall on Gisler Avenue. It was agreed by the applicant that they would build the wall within the City's guidelines.

In response to Council Member Foley, the applicant was agreeable to the following:

relative to Condition of Approval 23, to add some enhanced landscaping to the parking lot; for Condition of Approval 35, to add wording that test-

drive would not be conducted on residential streets; and for Condition of Approval 36 to add language prohibiting the storage of excess inventory on the streets.

Mayor Mansoor, commented that overall he liked the project as he felt that some of the requirements is above City's directives.

MOTION: Adopt Resolution No. 07-60, upholding the Planning Commission's decision based upon findings established in Exhibit "A" and the conditions found in Exhibit "B" as amended: • Deleted Condition No. 11; • Amended Condition No. 23 to read: "Parking lot lighting shall be shielded to minimize spillover and direct views by the adjacent residences. Additionally, exterior lighting shall be reduced 50% after the store closes to the public and an additional 25% after employee operating hours. Light levels shall not exceed 1 foot-candles on adjacent residential properties.";

- **Amended condition no. 35 to read: "Test drives by prospective customers or Carmax employees shall be conducted on arterial streets only. Test drives shall not be conducted on College Avenue, Gisler Avenue (east of College), or on any residential streets";**
- **Added Condition No. 39: "The applicant shall construct a decorative block wall along the Gisler Avenue frontage of the subject property, minimum 8 feet in height, within the front landscape setback extending from the second driveway approach east of Harbor Boulevard to the easternmost property line. The wall shall incorporate vines and enhanced landscaping visible from the street. Wall and landscape materials shall be subject to approval by the Planning Division.";**and
- **Added Condition No. 40: "Storage of vehicle inventory shall not be permitted on any public streets."**

Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.

Mayor Mansoor suggested contacting CalTrans and Orange County Transportation Authority to address extension of the soundwall, and landscaping issues along Harbor Boulevard and off the 405 Freeway. He also indicated interest in future discussion relative to the Development Standards, partial funding for the undergrounding of powerlines within the City.

Discussion ensued regarding the details in the responsibility of building the wall along Gisler Avenue. Mayor Mansoor commented that he was supportive of the applicant providing a check for the French Quarter Home Owner's Association to build the wall on the French Quarter property. Council Member Foley felt that the

Segerstrom's should construct the wall on the French Quarter property and it will be maintained by the HOA. The applicant offered that they would build the wall on the northside of Gisler Avenue on the property.

MOTION: Adopt resolution to uphold, Planning Commission's decision subject to conditions. Moved by Mayor Allan Mansoor, seconded by Council Member Foley.

Council Member Foley was supportive of deleting Condition Number 11, added to Condition of Approval 23, to add some enhanced landscaping to the parking lot for light reduction; to amend Condition of Approval 35, to add wording that test-drive would not be conducted on residential streets, and add Condition of Approval Number 39 that the applicant will build an 8-foot wall on their property from the second driveway to the driveway at College Avenue the east of property line with landscaping in front of the wall. The applicant was agreeable.

Mayor Mansoor added the condition of approval for no storage of inventory on the streets.

The changes were agreed to by the Maker and the seconder of the motion.

Mayor Pro Tem Bever suggested that vines be placed on the walls so as not to be an attractive nuisance. Mayor Mansoor did not feel that the suggestion need be added to the motion.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

The City Clerk announced that this was the time and place set for a public hearing to consider:

2. PUBLIC HEARING: Rezone R-07-02, Planning Application PA-07-02, and Tentative Tract Map T-16990 for Bryan Coggins, agent for 372 Victoria Street, LLC, for: (1) Rezone from R2-HD/R3 (Multiple-Family Residential) to PDR-HD (Planned Development Residential - High Density); (2) Master Plan for a 30-unit single-family, detached common-interest development; and (3) Tract Map to facilitate the project located at 372, 378, and 382 Victoria Street. Environmental Determination: exempt.

(a). AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING THREE PARCELS TOTALLING 1.68 ACRES FROM R2-HD AND R3 (MULTIPLE-FAMILY RESIDENTIAL) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH

DENSITY (PDR-HD) FOR PROPERTY LOCATED AT 372, 278, AND 382 VICTORIA STREET.

(b). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING PLANNING APPLICATION PA-07-02 AND TENTATIVE TRACT MAP T-16990 AT 372, 378, AND VICTORIA STREET.

Senior Planner Clair Flynn summarized the staff report.

MOTION: To introduce Ordinance No. 07-15: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, REZONING THREE PARCELS TOTALLING 1.68 ACRES FROM R2-HD AND R3 (MULTIPLE-FAMILY RESIDENTIAL) TO PLANNED DEVELOPMENT RESIDENTIAL HIGH DENSITY (PDR-HD) FOR PROPERTY LOCATED AT 372, 278, AND 382 VICTORIA STREET, to be read by title only, to be and waive further reading. Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

The City Clerk announced that this was the time and place set for a public hearing to consider:

3. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF EXCESS RIGHT-OF-WAY AT 540-544 VICTORIA STREET.

Public Services Director William Morris presented the staff report.

MOTION: Adopt Resolution No. 07-62.

Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

VIII. OLD BUSINESS

There is no Old Business scheduled.

IX. NEW BUSINESS

1. Request for "Resident Only" parking restriction on Parkhill Drive, between Whittier Avenue and Parkview Circle, and on Parkcrest Drive between Parkhill Drive and West 19th Street.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DESIGNATING PERMIT PARKING ON PARKHILL DRIVE AND PARKCREST DRIVE.

Associate Engineer Raja Sethuraman summarized the staff report.

MOTION: Approve; authorize the Transportation Services Manager to extend the "resident only" parking restriction for a maximum of 1,000 feet as needed; and adopt Resolution No. 07-63. Moved by Mayor Allan Mansoor, seconded by Council Member Katrina Foley.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda Dixon

2. City-owned property located at 523 Hamilton Street.

Public Services Director William Morris summarized the staff report.

Lynn Redman, Costa Mesa, commented on the beneficial effects of the community garden, adding that any other use of the property would be in opposition to the will of the previous owner of the lot.

Lee Schwandt, Costa Mesa, informed the Council of her enjoyment of the gardening and is supportive of maintaining the community garden but otherwise requested a relocation of the garden.

Robin Leffler, Costa Mesa, pointed out that the land was deeded to the City for public use and Urged the Council to preserve this use of the parcel of land.

Debbie Cocan, Costa Mesa, expressed support for the continued use of the property.

Mayor Pro Tem Bever commented that the parcel of land would allow for the adjacent property to extend housing for the benefit of the area. He indicated that there were two potential locations that he felt were better locations for a future garden. He commented that the location at Fairview Park near the train station or at the Segerstrom Home Ranch property.

Mayor Mansoor also asked staff to identify alternative sites for potential

for open spaces for purchase on the westside for a community garden.

Mayor Pro Tem Bever commented that he would be supportive and that any proceeds go toward open space. Garden is on the west side and Leece would like to south end of Fairview park.

Council Member Leece commented that her preference would be to look for a location to relocate the garden on the westside.

MOTION: Retain the Hamilton Street Garden as a community garden.
Moved by Council Member Katrina Foley. Motion died for lack of second.

MOTION: Direct staff to enter into preliminary sale discussions/negotiations with the adjoining property/developer to the south and east of the property (Red Mountain Retail Group); Making sale contingent upon consolidation with the remaining parcels (excluding 515 Hamilton Avenue); Guaranteed consolidation of lots in the area in the event that the proposed larger development does not occur; Accommodate existing community garden users until grading and/or building permits are received; and to discuss at a future Study Session the relocation of the community garden, directing staff to identify alternative sites on the Westside for purchase.

Moved by Mayor Pro Tem Eric Bever, seconded by Council Member Wendy Leece.

Stephanie Aurdrey, Director of Residential Entitlements, representative of Red Mountain Retail Group, indicated the company's interest in acquiring of the subject parcel to incorporate into their planned development and responded to questions from the Council.

Council Member Foley expressed her disappointment at the loss of the garden and therefore would not support the motion.

Mayor Pro Tem Bever asked the maker of the motion to add that the current gardeners would be accommodated in the new garden.

Mayor Mansoor felt those details could be worked out at a later time.

The motion carried by the following roll call vote:

Ayes: Mayor Allan Mansoor, Mayor Pro Tem Eric Bever, Council Member Wendy Leece

Noes: Council Member Katrina Foley

Absent: Council Member Linda Dixon

3. Ballot Initiative for Elected Mayor.

Mayor Mansoor commented that he would like to ask that staff bring

forward a ballot measure to be placed on the ballot for the Presidential Primary to be held February 5, 2008. He commented that he felt that the directly elected Mayor would give greater clout to regional issues and stronger statement as to the direction of the public. He further stated he was not interested in additional duties or compensation for the position.

Jay Humphrey, Costa Mesa, commented that he was not in support of the direct elect Mayor.

Sandra Genis, Costa Mesa, spoke in opposition to the item, and further commented that "for fiscal responsibility" it should be done at the General Municipal Election.

Beth Refakes, Costa Mesa, expressed her opposition as she did not understand the benefit, and commented that the it is the larger cities that have a directly elected Mayor. She instead suggested an election for the Council to be divided into wards would be of greater benefit.

Lisa Reedy, Mesa Del Mar Homeowners Association, commented that the association was opposed to the proposal.

Robin Leffler, Costa Mesa, commented that she felt the current system works well.

Gary Monahan, Costa Mesa, spoke in support commenting that it would give the voters the opportunity to vote for the leader.

Leece commented that she would be supporting the motion. She felt "leadership does matter" and it was time to let the voters decide.

Council Member Foley commented she would not be supporting the motion. She expressed concern as to the cost of of the election, the lack of feedback from the community as to their desire and also commented that if were to be placed on the ballot it should be at a general election where there would be the greatest turn out of the community.

MOTION: Direct staff to prepare a ballot initiative for a directly elected Mayor; with the following language "Shall the electors elect a Mayor and four Council Members?" "Shall the term of the Mayor be for two years?", "Shall the term of the Mayor be for four years?" and determined that there shall be no additional powers or compensation for the Mayor and that the initiative be placed on the Presidential Primary Election to be held February 5, 2008.

Moved by Mayor Allan Mansoor, seconded by Council Member Wendy Leece.

Mayor Mansoor affirmed for Council Member Foley that the Mayor would not be subject to term limits.

The motion failed by the following roll call vote:
Ayes: Mayor Allan Mansoor, Council Member Wendy Leece
Noes: Mayor Pro Tem Eric Bever, Council Member Katrina Foley
Absent: Council Member Linda Dixon

**MOTION: Recieve and file.
Moved by Council Member Katrina Foley, seconded by Mayor Pro
Tem Eric Bever.**

The motion carried by the following roll call vote:
Ayes: Mayor Pro Tem Eric Bever, Council Member Katrina Foley,
Council Member Wendy Leece
Noes: Mayor Allan Mansoor
Absent: Council Member Linda Dixon

X. REPORTS
City Attorney:
City Manager:

XI. ADJOURNMENT.

The Mayor adjourned the meeting at 12:22 p.m. to July 10, 2007, 4:30 p.m., for a Study Session.

Mayor of the City of Costa Mesa

ATTEST:

City Clerk of the City of Costa Mesa